REMARKS

Consideration of the present application in view of the above amendments and the following remarks is respectfully requested.

Claims 414-445 are pending. Claims 417, 418 and 431 have been amended to enter minor changes. No new matter has been added via the claim amendments.

The sequence listing filed February 26, 2009, does not include two sequences (SEQ ID NOS: 688 and 689) that were present in Figure 1 of the application as originally filed. Accordingly, a new sequence listing is provided herewith that merely replaced SEQ ID NOS:688 and 689 previously having "null" identifiers with nucleotide and amino acid sequences shown in Figure 1. The new sequence listing includes no new matter that goes beyond the original application as filed. Applicants respectfully submit that the above-identified application is now in compliance with 37 C.F.R. §§ 1.821-1.825 and WIPO Standard 25.

Additionally, the paragraph that incorporates the text copy of the Sequence Listing has been amended in view of the submission of the new sequence listing. Furthermore, the brief description of Figure 1 and Example 83 have been amended to correct errors in describing the sequences shown in Figure 1.

In response to the invention election requirement (*see*, paragraph 6 on page 4 of the Restriction Requirement), Applicants elect, with traversal, Group I, claims 414-439, drawn to a fusion protein and a pharmaceutical composition comprising the fusion protein.

Applicants respectfully traverse this invention election requirement. Applicants submit that the pending claims are linked together by the fusion protein of claim 414. Because, as discussed in detail below, the fusion protein of claim 414 is both novel and not obvious in view of the cited references, it may function as a specific technical feature that links the pending claims together.

Claim 414 is directed to a fusion protein that comprises from amino-terminus to carboxy-terminus: (i) an immunoglobulin binding domain polypeptide that binds CD20, (ii) an altered wild type immunoglobulin hinge polypeptide, wherein a proline in the wild type

immunoglobulin hinge polypeptide has been mutated, and (iii) an amino-terminally truncated immunoglobulin heavy chain constant region polypeptide.

Applicants submit that the two references cited in the Restriction Requirement (US 2005/0084933, "Schilling" and US 6,623,940, "Ledbetter"), either alone or in combination, fail to teach or suggest the fusion protein of claim 414. More specifically, neither of these references discloses a proline mutation in the hinge polypeptide as recited in subpart (ii) of claim 414. For example, Schilling relates to methods for increasing protein sialylation by feeding cultured cells with D-galactose. The only disclosure relevant to the fusion protein of the present application is CTLA4Ig as shown in Figure 8. In the sequence shown in Figure 8, a serine is at position +148 instead of a proline in the wild type human IgG1 CH2 domain. Position +148 in Figure 8 of Schilling corresponds to position 238 of the present application, which is described throughout the present application as in a CH2 domain (*see*, *e.g.*, the third to the last paragraph describing Figure 69 on page 96, the sentence bridging pages 205 and 206, the first sentence in Example 28 on page 226, the last sentence of Example 43 on page 244, and brief description of SEQ ID NOS:91 and 92 on page 337 of the substitute specification filed February 26, 2009), **not** in a hinge region as asserted in the Restriction Requirement. Similarly, the proline to serine substitution in the sequences of Ledbetter is at the same position as position +148 in Schilling and also corresponds to position 238 of the present application. As indicated on page 4 of the Restriction Requirement and also shown in Figure 4A of Ledbetter, this position is in the CH2 domain, **not** in the hinge region.

Applicants' undersigned representative thanks the Examiner for confirming via phone on March 19, 2009, that the requirements in paragraphs 10-12 of the Restriction Requirement are species election requirements to facilitate initial search and examination.

In response to the species election requirement in paragraph 10 of the Restriction Requirement, Applicants elect: (b) the second cysteine is substituted with serine.

In response to the species election requirement in paragraph 11 of the Restriction Requirement, Applicants elect: SEQ ID NO: 246 (2H7 scFv VHL11S (CSC-S)H WCH2 WCH3).

Because, as indicated above, Applicants elect Group I in response to the invention election requirement, a species election in response to the requirement in paragraph 12 of the Restriction Requirement does not seem necessary. Nevertheless, to ensure a complete response, Applicants elect rheumatoid arthritis.

Applicants submit that among the claims in Group I, the following claims read on the above elected species: claims 414-416, 418, 420, 422-426, 428-431 and 435-439.

The Director is authorized to charge any additional fees due by way of this Amendment, or credit any overpayment, to our Deposit Account No. 19-1090.

Respectfully submitted,

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